

accomplishes this by continuously transmitting both variable cell length header data and the subject video data. When the content of the video data changes, i.e. a variation in the number of cells is detected, the Ishibashi apparatus displays video images on a monitor. Thus, the attendant need not watch multiple monitors with the unchanging images, but instead may be alerted to the one monitor showing a changed video image.

What is significant about Ishibashi is that: 1) the video data is constantly transmitted, whether displayed or not; 2) Ishibashi uses the variation in the number of transmitted cells to discriminate; 3) the result of the discrimination determines whether the image should be projected on the monitor; and 4) Ishibashi does not reduce the quantity of header data.

Applicant's claimed invention is however, completely different. Applicant's invention teaches a method and apparatus for reducing the amount of data transmitted when transmitting encoded picture data.

Applicant's independent claims 1, 3, 8, and 13 each require "first control data included in header data of a predetermined layer" and comparing first control data with "second control data included in the next header data." Ishibashi neither discloses or suggests such an arrangement. In the Ishibashi specification at Col. 4, lines 28-45 and lines 38-45, a method of comparing the number of transmitted cells is disclosed; however, the method and apparatus employ different elements and operate differently than applicant's invention. In Ishibashi, when the number of transmitted cells increases and the counter counts the cells and the detection unit 28 detects the rate of increase thereof, when the amount of increase is more than a predetermined value, an alarm signal is output. Col. 4, lines 45-48. The salient fact here is that Ishibashi measures the change in the number cells transmitted; thus, increasing header data information. Thus, Ishibashi et al. teaches a system which not only operates differently from applicant's claimed invention, but which also does not achieve the same result as applicant's invention, that is, a minimization of the amount of the header data to be transmitted.

Applicant's invention compares first and second control data, thereby minimizing the amount of redundant header data which must be transmitted. As seen in claims 1, 3, 8, and 13, applicant's invention requires a comparison between the first control data and the second control data, wherein the second control data changes constantly. In contrast, Ishibashi discloses a comparison to a predetermined value representing the object in a still state. Thus, it can be seen that Ishibashi neither discloses nor suggests the arrangement of elements as claimed by applicant.

In addition, Ishibashi does not disclose an "encoding means for transmitting neither the identification data nor the second control data when the first control data and the second control data are the same, and for transmitting both the identification data and the second control data when the first control data and the second control data are different from each other" as required by claim 1. Although Ishibashi does perform a comparison, Ishibashi continually transmits header data. In contrast, applicant's invention only transmits header data when the first and second control data fields are different. Accordingly, applicant submits that claims 1, 3, 8, and 13 are not anticipated by Ishibashi.

The Examiner has rejected claims 2, 5, 9, 12, and 14 under 35 U.S.C. §103 as being unpatentable over Ishibashi in view of U.S. Patent No. 5,122,875 ("Raychaudhuri"). Applicant respectfully traverses this rejection in view of the comments with respect to the primary reference Ishibashi.

The proposed combination of Ishibashi with Raychaudhuri fails to disclose or suggest all of the elements in applicants' claims, and therefore does not render applicants' claims obvious. Pursuant to 35 U.S.C. § 103, the subject matter as a whole must be obvious in view of the prior art. It is therefore improper to ignore a material, claimed limitation, which is absent from the references. See In re Fine, 837 F.2d 1071, 1074 (Fed.Cir. 1988). Consequently, the addition of Raychaudhuri to a reference that does not disclose all of the elements of the base claims, as discussed above, cannot result

in a valid § 103 rejection. Thus, claims 2, 5, 9, 12 and 14 are not rendered obvious by the proposed combination.

Similarly, claim 6 is rejected under 35 U.S.C. §103 as being unpatentable over Ishibashi in view of U.S. Patent No. 5,343,248 ("Fujinama"). Claim 7, which depends from claim 6, is also rejected under 35 U.S.C. §103 as being unpatentable over Ishibashi in view of U.S. Patent No. 5,343,248 Fujinama, and further in view of Raychauduri. Applicant respectfully traverses both rejections for the same reasons as discussed above. Claim 6 and 7, are directed toward a picture recording medium, requires a picture recording medium having an encoded picture signal layer structure composed of a plurality of layers of different types, including a second encoded picture signal of a layer of a same type as said predetermined layer and following said first encoded picture signal, wherein said second encoded picture signal omits the identification data and the control data. Neither Ishibashi nor Fujinama teach or suggest such a structure.

In addition, even if the proposed combination disclosed all of the elements of applicant's claim 6 and 7, there is no motivation to combine the two references. The Examiner speculates that one of ordinary skill in the art would be motivated to combine Ishibashi and Fujinami to obtain post-event examination of the transmitted video. It would seem that any such combination would destroy the function of Ishibashi because Ishibashi is an alarm mechanism, the purpose of which is to facilitate monitoring. If post-event examination were desired, there would be no need to utilize a comparative method for display of video images as taught by Ishibashi.

PATENT

-5-

In view of the above, it is respectfully submitted that pending claims 1-14 are in condition for allowance. The Examiner's reconsideration and further examination are respectfully requested.

Respectfully submitted,

LIMBACH & LIMBACH

Dated: 9/19/95

By: Harvey J. Anderson
Harvey J. Anderson
Reg. No. 38,812

Attorneys for Applicant

Atty Docket No. SONY-P4021